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**JUN 07 2005**

**OFFICE OF PETITIONS**

In re Application of :  
Chiappetta : DECISION ON PETITION  
Application No. 10/733,121 :  
Filed: December 11, 2003 :  
Atty. Docket No.: 893.0012USU :

This is a decision on the petition under 37 CFR 1.182, filed February 10, 2005. This petition is also being treated under 37 CFR 1.26(a) as a request for refund.

**DECISION UNDER 37 CFR 1.182**

In accordance with 37 CFR 1.182, "[a]ll situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Director, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in § 1.17(h)."

Petitioner herein requests a refund of a previously submitted petition for extension of time fee. As refunds are specifically addressed at 37 CFR 1.26, a petition under 1.182 is not proper.

Accordingly, the petition under 37 CFR 1.182 is **DISMISSED**.

**DECISION UNDER 37 CFR 1.26(a)**

In accordance with 37 CFR 1.26(a), the Director may refund any fee paid by mistake or in excess of that required.

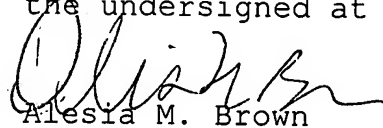
A Notice to File Missing Parts was mailed March 19, 2004. The Notice, however, was withdrawn and a new Notice was mailed on December 8, 2004. The new Notice set a two month shortened statutory period of time for reply. Accordingly, the petition for extension of time for response to the Notice mailed March

19, 2004 is not necessary. Accordingly, the request for refund is hereby GRANTED.

A refund of \$2,080.00 to Deposit Account No. 50-1239 has been requested from the Finance Office, Refund Section.

This application is being directed to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read "Alesia M. Brown", is written over the printed name.

Alesia M. Brown  
Senior Petitions Attorney  
Office of Petitions